IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1046 of 2006 (M/B)

1. Rahul Lakhera S/o Sri Dwarika Prasad Lakhera,
   R/o Sector 2A/90, Defence Colony,
   Dehradun.
2. Indresh Kothari S/o Late Sri Ishwari Dutt Kothari,
   R/o Village and Post Office Nathuwala,
   Dehradun.
3. Arun Kumar Sharma S/o Sri O.P. Sharma,
   R/o Mohalla Chaklan, H. No. 335,
   Guggal Road, Jwalapur,
   Haridwar.
4. Vipul Chandra Bahuguna S/o Sri V.L. Bahuguna,
   R/o Suman Nagar, Dehradun.
5. Mahesh Giri Swami S/o Sri Pratap Giri Swami,
   R/o Forest Colony, Darbari Nagar,
   Almora. …. Petitioners

Versus

1. State of Uttaranchal through
   Secretary, Health and Family Welfare,
   Dehradun.
2. Registrar, Uttaranchal Pharmacist's Registration Tribunal,
   MLH 107, Chander Nagar,
   Dehradun.
3. Sri Harish Chandra Dewli,
   R/o Village Kameda, Post Office Gochar,
   District Chamoli.
4. Sri Satish Chandra,
   R/o Village and Post Office Bagoti Via Lohaghat,
   District Champawat.
5. Sri Budhi Singh Kalura,
   Gandhi Nagar, Danda Dharampur,
   Dehradun.
6. Sri Narayan Singh Rana,
   Village Sakanyakot, Post Bhagtola,
   District Almora.
7. Sri Daya Kishan,
   Village Kaphoi, Post Harshila,
   District Bageshwar.
8. Sri Lakshman Singh Bhandari,
   Village Junga, Post Office Junga,
   Dunda, Uttarkashi. ….Respondents

Mr. Naresh Pant, Advocate for the petitioners.
Mr. Subhash Upadhyay, Brief Holder for respondent no.1.
Mr. V.K. Bist, Senior Advocate with Mr. Virendra Kumar Kaparwan, Advocate for respondent no.2.
None for respondents nos. 3 to 8.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Naresh Pant, Advocate for the petitioners.

Mr. Subhash Upadhyay, Brief Holder for respondent no. 1.

Mr. V.K. Bist, Senior Advocate with Mr. Virendra Kumar Kaparwan, Advocate for respondent no. 2.

None for respondents nos. 3 to 8.

2 Mr. V.K. Bist, the learned Senior Counsel for respondent no. 2 has raised a preliminary objection on the ground that after filing of the writ petition on 21.08.2006, the Notification in regard to the constitution of Uttaranchal Pharmacy Council was issued on 25.08.2006 and in the absence of any challenge to the said Notification, the reliefs sought by the petitioners in this writ petition cannot be granted.

3. Mr. Naresh Pant, the learned counsel for the petitioners, in view of the above preliminary objection, seeks permission to withdraw the writ petition with the liberty of filing another writ petition for the reliefs sought in this writ petition and also challenging the Notification dated 25.08.2006.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. Consequently, the interim orders dated 06.11.2006 and 22.12.2006 stand vacated automatically.

7. With the above order, CLMAs Nos. 12081 of 2006 & 10678 of 2006 also stand disposed of.

(J.C.S. Rawat, J.) 02.05.2007

(Rajeev Gupta, C.J.) 02.05.2007

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